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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SUITE 503
FOREST HILLS, NY 11375

EXAMINER

PHAM, THOMAS K

ART UNIT PAPER NUMBER

2121

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,623

Applicant(s)

KOSEKI, AKIRA

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to request for re-consideration filed on 01/13/2005.
2. New claims 17 and 18 filed by the applicant have been entered.
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Quotations of U.S. Code Title 35

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,933,811 (“Angles”) in view of U.S. Patent No. 5,835,087 (“Herz”).

Regarding claim 1

Angles teaches an information providing method for a network, for providing, via a network, content that constitutes an entire body of information based on conditions that are defined in advance, comprising the steps of: generating a finite number of intermediate contents for content that corresponds to an entire body of information (see col. 18 lines 63-66, “The advertisement provider computer 18 ... from the advertisement database”. Here, the advertisement provider is supplying a customized or finite number of advertisement information from the entire advertisement database.); selecting at least one of said intermediate contents and providing information at a selected level (see col. 8 lines 58-61, “The advertisement provider ... to the consumer computer 12”). Angles does not teach the intermediate contents are hieratically structured according to information content. However, Herz teaches selecting from a hierarchical cluster tree target objects (intermediate contents) according to a target profile (col. 25 lines 5-8, “Given a target object with target profile P, ... target profiles similar to P”) for the purpose of locating target objects of interest. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the hierarchical structured of Herz with the information provider of Angles because it would provide for the purpose of locating target objects of interest.

Art Unit: 2121

Regarding claim 2

Angles further teaches wherein information contained in said content is employed as said intermediate content (see col. 5 lines 30-32, “the customized advertisements are ... accesses a content provider website”. The advertisement provider is providing information intermediately based on the interaction between the consumer and the content provider website.).

Regarding claim 3

Angles further teaches wherein information obtained by changing at least a part of said information included in said content is employed as said intermediate content (see example of col. 15 lines 35-39, “one version of an advertisement ... different demographic groups”. Here, the information has been changed appropriately.).

Regarding claim 4

Angles further teaches wherein a condition determined in accordance with a request from a user is defined as said condition that is defined in advance (see col. 14 lines 19-22, “The demographic data can contain ... hobbies, consumer preferences”. The advertisement provider uses the demographic data as a condition for providing customized advertise information that defined in advance by the consumer.).

Regarding claim 5

Angles further teaches wherein an intermediate content is selected at a level that corresponds to said condition determined in accordance with said request from said user (see col. 8 lines 47-49, “the consumer computer executes ... advertisement provider computer 18”, and col. 8 lines 58-61, “The advertisement provider computer 18 ... to the consumer computer 12”).

Regarding claim 6

Art Unit: 2121

Angles further teaches wherein a condition for reducing or increasing the amount of information in said content is defined as said condition that is defined in advance (see col. 14 lines 19-24, “The demographic data can contain ... other account information, etc.” Similar to the rejection of claim 4 above, the condition is defined in advance by the user. Furthermore, a condition for reducing or increasing the amount of information to be provide to the consumer are inherently according to the level of detail given by the consumer during registration.).

Regarding claim 7

Angles further teaches wherein a condition for extracting an information type that represents said content is employed as said condition determined in advance (similar to the rejection of claim 6 above, the type of information is provided changes based on the information provided by the consumer during registration.).

Regarding claim 8

Angles further teaches wherein price information is provided for said contents, and compensation information based on said price information is provided for each of said intermediate contents at said levels that are generated (see col. 16 lines 31-34, “the invention can pay an Internet provider 34 ... to reduce consumer access fees”).

Regarding claim 9

Angles teaches an information providing apparatus comprising: storage means for storing content that constitutes an entire body of information (see fig. 4; also see col. 15 lines 33-35, “the advertisement database 700 ... for different types of consumers”) ; connection means for connecting said content to a network so as to provide said content (see fig. 4; also see col. 16 lines 53-55, “The data flow sequence for the ... illustrated with events C through F”. Data flow

Art Unit: 2121

F of fig. 4 provides content to the consumer via a network medium.); generation means for, based on a condition determined in advance, generating intermediate contents at a finite number of levels relative to said content (see col. 18 lines 63-66, "The advertisement provider computer 18 ... from the advertisement database". Here, the advertisement provider is supplying a customized or finite number of advertisement information from the entire advertisement database.); and output means for selecting and outputting at least one of said intermediate contents (see col. 8 lines 58-61, "The advertisement provider computer 18 ... to the consumer computer 12"). Angles does not teach the intermediate contents are hieratically structured according to information content. However, Herz teaches selecting from a hierarchical cluster tree target objects (intermediate contents) according to a target profile (col. 25 lines 5-8, "Given a target object with target profile P, ... target profiles similar to P") for the purpose of locating target objects of interest. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the hierarchical structured of Herz with the information provider of Angles because it would provide for the purpose of locating target objects of interest.

Regarding claim 10

Angles further teaches wherein said generation means employs information included in said content to generate intermediate contents at a finite number of levels (see col. 18 lines 63-66, "The advertisement provider computer 18 ... the advertisement database". Here, the advertisement provider is supplying a customized or finite number of advertisement information from the entire advertisement database.).

Regarding claim 11

Art Unit: 2121

Angles further teaches wherein said generation means employs information obtained by changing at least a part of the information included in said content to generate intermediate contents at a finite number of levels (see example of col. 15 lines 35-39, “one version of an advertisement ... or different demographic groups”).

Regarding claim 12

Angles further teaches wherein said generation means includes input means for receiving a request from said user (see col. 8 lines 47-49, “the consumer computer executes ... advertisement provider computer 18”), and a condition designated in accordance with said request is employed as said condition determined in advance (see col. 14 lines 19-24, “The demographic data can ... other account information, etc.” Similar to the rejection of claim 4 above, the condition is defined in advance by the user. Furthermore, a condition for reducing or increasing the amount of information to be provide to the consumer are inherently according to the level of detail given by the consumer during registration.).

Regarding claim 13

Angles further teaches wherein said output means selects an intermediate content at a level that corresponds to said condition designated in accordance with said request from said user (see col. 8 lines 47-49, “the consumer computer executes the advertisement request 26 and established communications link with the advertisement provider computer 18”, and col. 8 lines 58-61, “The advertisement provider computer ... to the consumer computer 12”).

Regarding claim 14

Angles further teaches wherein said generation means generates said intermediate contents by defining, as said condition determined in advance, a reduction or an increase in the amount of

Art Unit: 2121

information contained by said content (see col. 14 lines 19-22, “The demographic data can contain ... hobbies, consumer preferences”. The advertisement provider uses the demographic data as a condition for providing customized advertise information that defined in advance by the consumer. Furthermore, a condition for reducing or increasing the amount of information to be provide to the consumer are inherently according to the level of detail given by the consumer during registration.).

Regarding claim 15

Angles further teaches wherein said generation means generates said intermediate contents by defining, as said condition determined in advance, extraction of an information type that represents said content (see col. 14 lines 19-24, “The demographic data can contain ... other account information, etc.” Similar to the rejection of claim 4 above, the condition is defined in advance by the user. Furthermore, the type of information is provided changes based on the information provided by the consumer during registration.).

Regarding claim 16

Angles further teaches price storage means for storing said content in correlation of with price information; and compensation means for providing compensation information that is based on said price information for each of said intermediate contents at said levels that are generated (see col. 16 lines 31-34, “the invention can pay an ... to reduce consumer access fees”).

Regarding claim 17

Herz further teaches associating a content price for each of the intermediate contents based on their information content (col. 18 lines 53-60, “Quality attributes of target object X ... to the user’s favorite charity”).

Art Unit: 2121

Regarding claim 18

Herz further teaches a price storage unit configured to associate a content price for each of the intermediate contents based on their information content (col. 18 lines 53-60, “Quality attributes of target object X ... to the user’s favorite charity”).

Response to Arguments

In the remark the applicant argues that cited reference fails to disclose:

I) “wherein said intermediate contents are hieratically structured according to information content” as to claims 1 and 9.

In response to applicant’s argument,

I) The newly cited prior art Herz (USPN 5,835,087) teaches selecting from a hierarchical cluster tree target objects according to a target profile (see col. 25 lines 5-8, “Given a target object with target profile P, ... target profiles similar to P”). The target objects of Herz selected from a hierarchical cluster tree provides the information needed by the user based on a target profile set by the user. Therefore, it is clear that the target objects is hieratically structure based on a target information that is similar to applicants’ intermediate contents. Thus, limitations are met by the reference.

Art Unit: 2121

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

March 31, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600